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SUBJECT: EVO LAYS OUT STRATEGY TO APPROVE CONSTITUTION

Classified By: EcoPol Chief Mike Hammer for reasons 1.4 (b) and (d).

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Summary  
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11. (C) Despite continuing calls for dialogue, President Evo Morales' ruling Movement Toward Socialism (MAS) party has laid out an aggressive strategy for pushing through its draft constitution. The MAS' goal is simple; organize a national referendum on the MAS draft constitution before the opposition-led department (state) of Santa Cruz can implement its autonomy referendum. The MAS' tactics to achieve this goal are also fairly simple: offer platitudes about a willingness for dialogue with the opposition; meanwhile pressure and encircle Congress (starting February 26) with MAS-allied social groups until Congress approves legislation on a constitutional referendum; and, ramp-up outrageous accusations of the USG conspiring with the opposition to topple Evo -- to fire-up the MAS base, denigrate the opposition, and distract from economic mismanagement. While the U.S. mission can weather the verbal assaults, the potential for physical assaults between Bolivians is intensifying. The Christmas and Carnaval recess from confrontation has ended. If either the MAS or opposition manages to organize a referendum, the likelihood that their bellicose rhetoric turns to violence rises. End Summary.

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Moving Up the Timetable  
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12. (U) The Vice Minister of Decentralization Fabian Yasik most eloquently defined the government's strategy regarding the passing of the MAS' draft constitution vis-a-vis the autonomy referenda demanded by four opposition-led departments. Yasik stated, "it is important that the preliminary (constitutional) referendum . . . happens before the autonomy statutes." Yasik added that, "this (the Santa Cruz autonomy referendum) initiative obligates an acceleration of timetables" regarding the approval of the MAS constitution.

13. (C) Comment: The Santa Cruz prefect and civic committee have pushed for May 4 referendum in the hope that they could beat the central government to a national referendum on the MAS draft constitution. The government has proven once again that it will not be outmaneuvered by the opposition. Evo and his associates will likely use all tools available to accelerate the timetable for a national referendum on the MAS constitution. The government's strategy hinges on the MAS constitution receiving the necessary simple majority (50 percent plus one), an outcome which is not certain. The opposition remains hesitant about participating in a referendum of an "illegal constitution" fearing it would validate it. Even if the opposition participates, fraud and Venezuelan money could help Evo win. Evo's recent appointment of a MAS partisan to the National Electoral Court could further tilt the scales. End Comment).

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Two for One Referendum  
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14. (U) The government, via its spokesperson Alex Contreras, has proposed that a preliminary referendum --on one contested article in the MAS draft constitution-- be scheduled at the same time as a referendum on the entire constitution. (Comment: The contested article was only contested within the MAS as the opposition did not participate in the final Constituent Assembly session where the MAS draft was approved. Had the opposition attended there would have been many contested articles. End Comment). Contreras explained that the government is urging Congress to "reach consensus" to pass the dual referendum proposal for the sake of democracy, and reiterated the President's position that the autonomy statutes are illegal, illegitimate and meant to divide the country. (Comment: A single referendum encompassing the contested article and the entire constitution would violate the Constituent Assembly's enabling legislation; however, it would meet the government's objective to accelerate the approval of the MAS constitution. End Comment).

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Congress: Under Pressure  
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15. (U) To put pressure on the Bolivian Congress, ten MAS-allied social sector groups issued a declaration stating that starting February 26 they will carry out nationwide protests and encircle Congress to urge the legislature to "approve a law on . . . the referendum to approve a new constitution." The declaration also states that the groups "reject, condemn and resist the convocation of a referendum on the autonomy statutes, in Santa Cruz slated for May 4 . . ." The groups issued their declaration on February 24, the same day President Morales met with members the lowland indigenous group CIDOB, one of the signatories of the declaration.

16. (U) The declaration follows the formation of a "special commission" February 21 in Congress designed to reach a national consensus on the MAS and opposition's differences over the constitution and departmental autonomy. The talks are scheduled to resume February 25 at 4:00 PM, just a few hours before the pro-MAS groups plan to encircle Congress. (Comment: Despite statements that the government wishes to engage in dialogue, the government has been noticeably silent regarding the pending encirclement of Congress by pro-MAS groups. End Comment).

17. (SBU) This would be third time in four months that MAS-allied groups have used intimidation tactics to prevent opposition members from participating in the political deliberations. Pro-MAS groups physically prevented opposition members from entering Congress November 27, 2007 allowing the MAS to convene a session of Congress and pass new legislation regarding the functioning of the Constituent

Assembly as well as a new MAS-proposed pension program (Renta Dignidad) which is funded by reducing revenue transfers to the departments. A similar tactic was used during the Constituent Assembly's last working session in Oruro December 9, in which the MAS passed its draft constitution. The MAS successfully blocked the opposition from attending, by calling the Assembly session with less than the requisite 24-hours notice, and then by employing pro-MAS social groups outside the session to threaten any opposition members who considered attending.

¶8. (SBU) Congress is the only legal authority permitted to write and pass the enabling legislation for the constitutional referenda; however, given that the Senate is controlled by the opposition, progress on the legislation has moved slowly. The government has occasionally hinted that it may employ another method to move the referenda forward. The MAS, during its hastily convened final session of the Constituent Assembly passed a resolution allowing the President to authorize the referendum, should Congress not complete its duties within 30 days. The resolution clearly violates the assembly's enabling legislation. However, without a quorum in the Constitutional Tribunal there is no court to rule whether Morales' action would be legal.

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Morales Lashes Out Against Ambassador and USAID  
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¶9. (U) Just four days after Congressman Engel's CODEL visit to Bolivia where the members asked Morales to tone down his anti-American rhetoric, President Morales, Presidential Spokesperson Contreras and Presidency Minister Juan Ramon Quintana fired more salvos against the Ambassador and USAID. Following a February 24 meeting with lowlands indigenous group CIDOB Morales stated, "Personally I am going to dedicate myself to informing (the public) how some internal and external agents headed by the U.S. Ambassador conspire against our government, and they do not want to see the profound changes included in the new constitution, which is the best way to bring equality to our country." Evo argued he did not respect the Ambassador, stating "I said two weeks ago that we have much respect for ambassadors, but the ambassadors who don't engage in politics, and the United States engages in politics."

¶10. (U) Morales also renewed his accusations against USAID of financing the opposition and buying off journalists, stating "USAID is offering money to NGOs on the condition that they oppose the government." Quintana went further, announcing February 25 that he would personally travel to the United States to deliver proof to members of the U.S. Congress that USAID is interfering in Bolivia's domestic affairs and supporting the opposition. (Comment: Interestingly, Presidency Minister Quintana chose not to deliver his proof to Congressman Engel's delegation during their February 19 meeting with President Morales. End Comment).

¶11. (C) Comment: Evo's constant haranguing against the USG, the Ambassador, and USAID appears to have several motivations, beyond Evo's personal resentment and mistrust of the USG. The President likely believes it will fire up his base and get more of his supporters into the streets, protesting and threatening the opposition and opposition-controlled Senate. Evo also likely sees linking the USG with the opposition as a way to denigrate the opposition, making his opponents look like they do not act on their own behalf but on the wishes of the "empire." This is why Evo has made linkages between the Ambassador's service in Kosovo, Kosovo's recent independence announcement, and the opposition-led departments' autonomy movements. Attacks on the USG also serve as a distraction at a time when Evo is struggling with higher inflation and a failure in his negotiations with Brazil and Argentina to obtain concessions on Bolivia's future gas delivery obligations. End Comment.  
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